United Nations S/2001/160

# Security Council

Distr.: General
21 February 2001
English
Original: French

## Letter dated 21 February 2001 from the Secretary-General to the President of the Security Council

I have the honour to attach herewith a copy of the letter that I sent today to the Minister for Foreign Affairs of Iraq (see annex).

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

01-25928 (E) 210201 210201

## Annex

### Letter dated 21 February 2001 from the Secretary-General to the Minister for Foreign Affairs of Iraq

[Original: English]

I refer to your letter of 17 February 2001 (S/2001/146) regarding the actions that were conducted in the airspace of Iraq during the night of 16 February 2001 by military aircraft of the United States of America and of the United Kingdom of Great Britain and Northern Ireland.

As you are well aware, the "no-fly zones" were declared over parts of the territory of Iraq by certain members of the Security Council, claiming authority under resolutions of the Council.

In this connection, I should like to recall what has always been, and remains, my consistent position, namely, that it is for the Security Council to interpret its own resolutions. Consequently, only the Council itself is competent to determine whether or not its resolutions are of such a nature and effect as to provide a lawful basis for the "no-fly zones" and for the actions that have been taken for their enforcement. Therefore, it is for the Council to address the lawfulness or otherwise of the actions to which you refer in your letter.

In your present letter, as in previous letters, you maintain that those actions, and other actions by aircraft of the United States and of the United Kingdom, have involved transit, and hence violation of the demilitarized zone between Iraq and Kuwait which was established by the Security Council in its resolution 687 (1991) of 3 April 1991. You request that the United Nations Iraq-Kuwait Observation Mission (UNIKOM) take steps to prevent the recurrence of such violations. In this context, I would note the following.

Since it was established in 1991, UNIKOM has monitored the demilitarized zone and has reported violations committed on land, in the airspace and, since 1999, in the waters within that zone. These violations have been recorded on a regular basis and have been reported in the six-monthly reports that I have made to the Security Council on the work of that Mission. From 1999 to date, UNIKOM has recorded over 200 aerial violations of the demilitarized zone. In the majority of cases, however, it has not been possible for UNIKOM to identify the aircraft involved or to determine their nationality.

I should emphasize that the inability of UNIKOM to identify the States that are responsible for conducting such flights is in no way to be understood to constitute condonation of them.

I would note in this regard that, in view of the fact that the United States and the United Kingdom have been conducting military air operations in the region, the United Nations has intervened with representatives of those States urging them to respect the demilitarized zone established by Security Council resolution 687 (1991) of 3 April 1991.

(*Signed*) Kofi A. **Annan**